IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINETH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

-

WRIT PETITION NO : 19858 of 2004

Between:

Mr. Ahmeduddin, S/o. Muzaffaruddin,
R/o. Rajelbase, Bodhan Town, Nizamabad Dist.

..... PETITIONER

AND

1 The Chief Executive Officer, A.P. Wakf Board, Manoranjan Complex, Block-4, M.J. Road, Hyderabad.
2 The Inspector Auditor Wakfs, Nizamabad district at Nizamabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue an order or direction or writ specially writ of Mandamus declaring the action of respondent authorities in dispossessing the petitioner from the premises to an extent of 240 sq.feets (TinShed) in Sy.No.693 situated at Doutyal Tarfa, Bodhan, Nizamabad District in an high handed manner without following legal procedure and taking steps to give on lease the same in favour of 3rd parties as illegal, void, without jurisdiction and violation of Art. 14,21 and 300-A of Constitution of India.

Counsel for the Petitioner: SMT.G.NEERAJA REDDY

Counsel for the Respondents: MR.A.M.QURESHI (SC FOR AP WAKF BOARD)

The Court at the admission stage made the following:

ORDER:

Since the property in question is admittedly a Wakf property, I am of the view that the petitioner cannot maintain this writ petition without exhausting the remedy as available under Section 83 of the Wakf Act, 1995. Accordingly granting leave and liberty to the petitioner, the writ petition is disposed of. However, having regard to the facts and circumstances of the case, there shall be a direction to maintain *status quo* obtaining as on today as to the nature and possession of the premises in question for a period of four weeks so as to enable the petitioner to work out the alternative remedy. No costs.

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29.10.2004

Note: Furnish CC by Monday

(b/o)

VGB

To

1 The Chief Executive Officer, A.P. Wakf Board, Manoranjan Complex, Block-4, M.J. Road, Hyderabad.
2 The Inspector Auditor Wakfs, Nizamabad district at Nizamabad.

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